

CITY COUNCIL PROCEEDINGS

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MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, June 4, 2002
Tuesday, June 04, 2002, 9:03 A.M.

The City Council met in regular session with Mayor Knight in the Chair. Council Members Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, present.

Chris Cherches, City Manager; Gary Rebenstorf, Director of Law; Pat Burnett, City Clerk; present.

Rev. Rathbun gave the invocation.

The pledge of allegiance to the flag was participated in by the Council Members, staff, and guests.

Minutes -- approved The Minutes of the regular meeting of May 21, 2002, were approved 7 to 0.

AWARDS AND PRESENTATIONS

PROCLAMATIONS Proclamation previously approved was presented.

AWARD The CAS Construction Best of 2001 Award was presented.

SERVICE CITATION Distinguished Service Citation was presented.

RECOGNITION Student ambassadors to Orleans, France, were recognized.

PUBLIC AGENDA

Pat Cameron, Community Action Network – “Proposed Downtown Arena.”

Pat Cameron Pat Cameron, Community Action Network (CAN), said the coalition has one primary concern - the struggle of low-wage workers to provide income. Any sales tax increase, due to the proposed Downtown Arena would hit low-income people disproportionately. The low-income are less likely to vote “yes” if their questions are not addressed. The public has not had opportunity to speak its mind. CAN is asking City Council to sponsor a public forum on the arena to allow citizens to air concerns and get answers from the Sports Commission on concerns. The forum should be held in during evening hours. The League of Women voters has agreed to moderate. CAN’s next meeting is June 13th. CAN would appreciate a response to the forum proposal by June 12th as to whether City will sponsor a forum

Mayor Knight Mayor Knight said he did not view the request as unreasonable and said an answer would be provided.

(Addendum 1A) Mary Dean, The Wichita Twelve – “Government Contracts, Bond Money, and Special Tax Consideration Given to the Boeing Company.”

Mary Dean The Wichita Twelve, voiced concern regarding The Boeing Company receiving bond dollars and special tax exemptions from the years 1985-2001. Ms. Dean said she received a fax on June 3, 2002, (from the City Attorney’s Office) that contained information she had requested under the Freedom of Information Act concerning how much IRB, Industrial Revenue Bonds, The Boeing Company had

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received from 1985 to present. According to the faxed information, from year 1985 to 2001 funds had been received in the amount of \$2,968,000,000 - all of which was tax exempt. The bond purpose according to Boeing was to finance the acquisition, construction and re-construction and improvement of real property in the purchase of new state-of-the-art equipment and machinery at the Boeing facility.

Ms. Dean requested the following:

1. From 1985 to 2001, Boeing claimed to finance acquisition. Please explain in detail the name or names of the acquisitions financed from 1985 to 2001 and how much each acquisition cost.
2. Construction: What buildings were constructed on Boeing Wichita property from 1985-2001. Please give us names and locations of the buildings and what year they were built.
3. What reconstruction and improvements of real property were done at Boeing Wichita from 1985 to 2001. Please identify the facilities that were reconstructed and how much each individual reconstruction costs from 1985-2001, and how many improvements were done on real property at Boeing Wichita from 1985-2001 and define what real property is.
4. A list of purchases of the new state of the art machinery and equipment and how much the machinery and equipment cost at Boeing from 1985-2001. Please list the names of the Companies and the machinery and the equipment that was purchased and the year of the purchase. The name of the old machinery and equipment that was replaced with the new state of the art machinery and equipment. Names of the buildings, plants, warehouses, etc., of the Boeing Company that received new equipment and machinery from 1985-2001.

“As taxpayers we want companies such as Boeing to pay their share and not burden the taxpayers with their blunders and mismanagement. We all want Boeing to prosper because if Boeing does well so does Kansas and their tax-paying citizens. We do not want our children and grandchildren to flee Kansas simply because there are no jobs left and the burden of being tax payers in the State of Kansas have come across as too heavy to bear.”

Mayor Knight

Mayor Knight said the City would try to provide a response.

NEW BUSINESS

BIKE PATH

21ST STREET BIKE PATH BETWEEN MAIZE ROAD AND RIDGE ROAD. (District V)

Mike Lindebak

City Engineer reviewed the Item.

Agenda Report No. 02-1435

The 2002 Capital Improvement Program includes funds to construct a bike path along 21st Street, from Maize Road to Ridge Road. The proposal was presented to District V Advisory Board and affected property owners on May 6, 2002. The Board recommended approval with the condition that Staff address citizen concerns about maintenance responsibilities and access to private property. Staff has addressed those concerns with individual property owners.

The bike path will be located in existing street right-of-way on the north side of 21st Street. When completed, the neighborhoods along west 21st will have access to the County's Zoo Park and eventually to the City's core area via a pedestrian bridge over the Big Ditch and a bike path along Zoo Boulevard to Central. The project will be let in the Summer 2002. Construction will begin in the Fall 2002.

The project budget is \$650,000, with \$200,000 paid by the City and \$450,000 by Federal Grants administered by the Kansas Department of Transportation. The funding source for the City share is General Obligation Bonds.

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Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion --
-- carried

Martz moved that the project and City/State Agreements be approved; the Resolution be adopted; and the necessary signatures be authorized. Motion carried 7 to 0.

RESOLUTION NO. 02-261

A Resolution authorizing the issuance of Bonds by the City of Wichita at Large to construct a bike path at 21st Street North, between Ridge and Maize Road (472-83532), presented. Martz moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

PROPERTY ACQ.

ACQUISITION OF WATER MAIN – CITY OF GODDARD.

David Warren

Director of Water and Sewer reviewed the Item.

Agenda Report No. 02-1436

Customers along the aforementioned street right-of-way are currently served by the City of Goddard. Due to expansion of service areas in both Wichita and Goddard, the two service areas along Kellogg are now in proximity to each other. With street improvements to Kellogg pending, it is essential to acquire this section of the main making it part of Wichita's water distribution system.

The purchase of this section of water line from Goddard is cost-effective in terms of the avoidance of construction costs and in future revenues that will be gained. In addition, there are advantages associated with the integration of this main into Wichita's water distribution system, as the water system expands to meet the demands of growth in the proximate area. Staff recommends that the affected Goddard customers be transferred as customers of the City of Wichita without the need for payment of plant equity fees. This action has precedent in relation to a similar acquisition that took place following the purchase of a line from Park City.

The purchase of this asset for \$8,000 is cost-effective in comparison with constructing a line parallel to the existing line in Kellogg. Funds are available in CIP W-65, Unidentified Mains.

The Agreement, Bill of Sale, and Assignment of Easements and Rights-of-Way have been approved as to form by the Law Department.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion --
-- carried

Martz moved that the purchase and Agreement be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

CITY COUNCIL AGENDA

APPOINTMENTS

BOARD APPOINTMENTS.

Motion --
-- carried

Knight appointed J.S. Mitchell to Solid Waste Management Committee and moved that the appointment be approved. Motion carried 7 to 0.

CONSENT AGENDA

Knight moved that the Consent Agenda, including Addendum Item, except Item 6, New Adult Entertainment License for GS Entertainment, be approved as consensus Items. Motion carried 7 to 0.

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BOARD OF BIDS

REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED JUNE 3, 2002.

Bids were opened May 24 and May 31, 2002, pursuant to advertisements published on:

PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION: Sewers, Paving and Water Mains as per specifications.

Tallowood from the east line of Lot 64, Block 6, Rocky Creek, to the east line of Lot 55, Block 6. On Castlewood/Glen Wood from the east line of Lot 7, Block 2, Rocky Creek Second, to the south line of Tallowood. On Tallowood Court, serving Lots 64 through 74, Block 6, Rocky Creek, from the north line of Lot 74, Block 6, to and including the cul-de-sac. A Sidewalk shall be constructed on the south side of Tallowood from the east line of Lot 64, Block 6, Rocky Creek Addition to the east line of Lot 55, Block 6 to serve Rocky Creek and Rocky Creek Second Addition - north of 13th, east of 127th Street East. (472-83433/765731/490842) Does not affect existing traffic. (District II)

Cornejo & Sons Construction - \$225,768.70

127th Street East from 1/2 mile south of Harry to Harry to serve Equestrian Estates - south of Harry, east of 127th Street East. (472-83425/765708 /490819) Traffic to be carried thru construction. (District II) - \$365,000

Kansas Paving Company - \$220,057.25

Water distribution system to serve Deer Lake Estates Second Addition - south of 47th Street, west of Oliver. (448-89656/735055/470725) Traffic to be carried thru construction. (District III)

Duling Construction - \$12,200.00

McAdams Park Tennis Court Reconstruction 2002 Park CIP to serve McAdams Park - east of Wabash, south of 17th Street. (472-83543/785029/392161) n/a. (District I); **AND** Boston Park Tennis Court reconstruction 2002 Park CIP to serve Boston Park - east of Woodlawn, north of Boston. (472-83544/785029/392161) n/a. (District II)

Austrialian Courtworks - \$147,885.80* (Total aggregate bid)

*Boston Park bid negotiated to Engineer's estimate

Repaving Amidon from Murdock to 11th Street in connection with 66 inch Raw Waterline from Water Treatment Plant to 21st and Zoo - Amidon, Murdock to 11th Street North. (448-89439/633720/132712 /750807) Traffic to be maintained during construction using flagpersons and barricades. (District VI)

Cornejo & Sons Construction - \$185,129.00

Lateral 3, Main 19, Southwest Interceptor Sewer to serve Ridge Port North Fourth Addition - south of 37th Street North, east of Ridge. (468-83276 /743924/480612) Does not affect existing traffic. (District V)

WB Carter Construction \$105,149.00

Grading, surfacing, concrete pavement, bridges, signing, lighting, signalization, pavement markings, landscaping and irrigation, for Kellogg Avenue (US-54) /Tyler and Maize Interchanges. (472-83533 /702315 /400272) Traffic to be maintained during construction using flagpersons and barricades. (District V)

Wildcat Construction - \$48,122,937.56 (Total aggregate bid with Base bid and alternates 2)

Knight moved that the contract(s) be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the and the necessary signatures be authorized. Motion carried 7 to 0.

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WATER & SEWER DEPARTMENT/SEWAGE TREATMENT DIVISION: Electrical Testing and Inspection of Substation Breakers. (184051)

Electro Test Inc. - \$4,951.00 (Total net bid)

PUBLIC WORKS DEPARTMENT/FLEET & BUILDINGS DIVISION: Roof Replacement for Fire Station at 350 South Edgemoor. (792310)

Larry Booze Roofing Inc. - \$23,000.00

VARIOUS DEPARTMENTS/VARIOUS DIVISIONS: Sand, Gravel, Rock, Mud Balls, Top Soil and Fill Dirt. (132225)

Ritchie Sand Inc. - \$3.14 (Fill sand/Item 1/per ton)
\$. 50 (Fill sand/Item 2/per ton)

Central Sand Company Inc. - \$3.90 (Mason sand/Item 3/per ton)
\$1.75 (Mason sand/Item 4/per ton)
\$4.24 (Road Gravel/Item 5/per ton)
\$2.14 (Road Gravel/Item 6/per ton)

Ritchie Sand Inc. - \$13.64 (Pea gravel/Item 7/per ton-washed)
Central Sand Company Inc. - \$4.75 (Pea gravel/Item 8/per ton-unwashed)
Ritchie Sand Inc. - \$11.00 (Pea gravel/Item 9/per ton-washed)
Central Sand Company Inc. - \$2.75 (Pea gravel/Item 10/per ton-unwashed)
Cherokee Trucking LLC - \$6.94 (Limestone rock AB-3/Item 11/per ton)
Central Sand Company Inc. - \$4.75 (Mud balls/Item 13/per ton)
\$2.00 (Mud balls/Item 14/per ton)

Frank N Bills Trucking Inc. - \$9.35 (Crushed limestone/Item 15/per ton)
Central Sand Company Inc. - \$8.00 (Top soil/Item 17/per ton)
\$5.50 (Top soil/Item 18/per ton)

Fremar LLC - \$3.95 (Fill dirt/Item 19/per ton)
Central Sand Company Inc. - \$1.50 (Fill dirt/Item 20/per ton)
\$9.80 (Top soil/shredded/Item 21/per ton)
Associated Material & Supply Co. Inc. - \$7.00 (Top soil/shredded/Item 22/per ton)

PARK DEPARTMENT/RECREATION DIVISION: Metal Storage Building (785023)

Sutherland Builders Inc. - \$14,950.00 (Total net bid)

AIRPORT DEPARTMENT/ENGINEERING DIVISION: Portable Guard Shack. (500940)

Mobile Mini, Inc. ** - \$12,475.00 (Group 1/Item 1/total net base bid)
Included (Option 1/Item 2/total net bid)
\$ 75.00 (Option 2/Item 3/total net bid)

**Pending FAA Approval

FINANCE DEPARTMENT/DATA CENTER DIVISION: Imaging Project Approved by City Council 10/98. (792168)

Compaq - \$51,692.00***

***Utilizing the State of Kansas Contract for Software Purchases. Purchasing utilizing Government Entities Contracts, Cooperative Contracts and Agreements/Ordinance No. 38-122 Section 2.64.020 (j).

Knight moved that the contract(s) be awarded as outlined above, same being the lowest and best bid, and the necessary signatures be authorized. Motion carried 7 to 0.

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LICENSES

APPLICATIONS FOR LICENSES FOR ADULT ENTERTAINMENT ESTABLISHMENTS/SERVICES:

New - Adult Entertainment

| | | |
|---------------------------------------|------------------|---------------------|
| Gail R. Crump | GS Entertainment | 5858 South Broadway |
| This Item was pulled from the Agenda. | | |

Renewal – Escort Service

| | | |
|---------------|-------------------------|---------------------|
| George Watley | Worldwide Entertainment | 2415 South Glendale |
|---------------|-------------------------|---------------------|

Motion --
-- carried

Knight moved that the Worldwide Entertainment license be approved subject to Staff review and approval. Motion carried 7 to 0.

APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

| <u>Renewal</u> | <u>2002</u> | <u>(Consumption on Premises)</u> |
|----------------------|-------------------------|----------------------------------|
| Akiko Miloni | Mama-San's* | 3811 West 13th Street |
| Juvenal G. Fernandez | La Mexicana Restaurant* | 408 West 21st Street |

(Consumption off Premises)

| | | |
|-------------|-----------------------|-----------------------------|
| Loan H. Le | KC Gas & Groceries #1 | 1102 West Maple |
| Joe Gregory | QuikTrip #313 | 3164 South Hillside |
| Joe Gregory | QuikTrip #320 | 1021 West 31st Street South |
| Joe Gregory | QuikTrip #321 | 6011 West Central |
| Joe Gregory | QuikTrip #325 | 1414 North Oliver |
| Joe Gregory | QuikTrip #326 | 2010 South Broadway |
| Joe Gregory | QuikTrip #328 | 2801 South Hydraulic |
| Joe Gregory | QuikTrip #329 | 5602 East Harry |
| Joe Gregory | QuikTrip #343 | 242 South Tyler |
| Joe Gregory | QuikTrip #345 | 4020 South Meridian |
| Joe Gregory | QuikTrip #347 | 1532 South Seneca |
| Joe Gregory | QuikTrip #349 | 1112 West Douglas |
| Joe Gregory | QuikTrip #353 | 110 South Rock Road |
| Joe Gregory | QuikTrip #356 | 4808 South Hydraulic |
| Joe Gregory | QuikTrip #358 | 7120 West 21st Street South |
| Joe Gregory | QuikTrip #360 | 3933 West 13th Street South |
| Joe Gregory | QuikTrip #366 | 1620 South Webb Road |
| Joe Gregory | QuikTrip #368 | 626 West 21st Street North |
| Joe Gregory | QuikTrip #369 | 3216 East Harry |
| Joe Gregory | QuikTrip #372 | 3106 East Pawnee |
| Joe Gregory | QuikTrip #373 | 1610 East Lincoln |
| Joe Gregory | QuikTrip #374 | 10315 West 13th Street |
| Joe Gregory | QuikTrip #376 | 2106 South Rock Road |
| Joe Gregory | QuikTrip #378 | 5611 South Broadway |
| Joe Gregory | QuikTrip #383 | 11223 East Central |
| Joe Gregory | QuikTrip #384 | 2510 West Pawnee |
| Joe Gregory | QuikTrip #386 | 1010 East Douglas |
| Joe Gregory | QuikTrip #388 | 7991 East 37th Street North |
| Joe Gregory | QuikTrip #389 | 4730 East Central |
| Joe Gregory | QuikTrip #391 | 730 North Broadway |
| Joe Gregory | QuikTrip #396 | 333 South West Street |

| <u>New Operator</u> | <u>2002</u> | <u>(Consumption on Premises)</u> |
|---------------------|-------------|----------------------------------|
|---------------------|-------------|----------------------------------|

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| | | |
|--------------------------|---------------------|-----------------------------------|
| Allen Moore | The Fat Chefs Inc.* | 1712 East 47th Street |
| Jeffrey Lyon Rutledge | Chug-A-Lug | 51111 West 13th Street |
| <u>New Establishment</u> | <u>2002</u> | <u>(Consumption off Premises)</u> |
| Anh Lan Le | Vihn Phat Market | 4847 East Harry |

*General/Restaurant - 50% or more of gross receipts derived from sale of food.

Motion -- Knight moved that the licenses be approved subject to Staff review and approval. Motion carried
-- carried 7 to 0.

PLANS AND SPECS. SUBDIVISION PLANS AND SPECIFICATIONS.

There were no Sub-Division Plans and Specifications submitted.

PRELIMINARY ESTS. PRELIMINARY ESTIMATES:

- a) Lydia, from the west line of Crestline to the east line of Lydia Court; Lydia Court, from the north line of Lydia to and including cul-de-sac Lydia Court, from the north line of Lydia, to and including cul-de-sac; Crestline Court, from the west line of Crestline, to and including cul-de-sac; and Crestline, from the north line of Lydia to the north line of Lot 34, Block 2. Sidewalk installed along Crestline to serve Shelly's Orchard Addition - east of Maize, north of Pawnee. (472-83493/765728 /490839) Does not affect existing traffic. (District V) - \$301,000
- b) Sanitary Sewer Reconstruction in 8th Street, between Market & Broadway to serve Munger's Original Town Addition - north of Murdock, west of Broadway. (468-83348/620327/661451) Traffic to be maintained during construction using flagpersons and barricades. (District VI) - \$18,700
- c) Intelligent Transportation System that includes improvements to Kellogg and arterial streets within the corporate limits of the City of Wichita, Kansas. (706826/472-83413/201-292) - \$95,000
- d) (Amended) - Cost of water distribution system to serve Westridge Estates, Aberdeen Commercial, Duling and Aberdeen First Additions. Westridge Estates. (OCA/PROJ)734963 /734968/734969/734970/448-89470/448-88944/448-88825/448-88826 (PPN) 470-633/470-638/470-639/470-640) - \$177,710
- e) (Amended) Cost of improving and widening Maple from 135th Street West to 119th Street West. All work done and all materials furnished to be in accordance with plans and specifications on file in the office of the City Engineer. (706817/472-83262/201-283) - \$3,500,000

Motion – carried Knight moved that the Preliminary Estimates be received and filed. Motion carried 7 to 0.

COST STATEMENT STATEMENT OF COST:

- a) (Sixth Partial Amended) Estimate of Cost for the Lawrence Dumont Stadium Improvements - \$3,213,952 less financing previously issued - \$3,150,000. Financing to be issued at this time - \$63,952. (792051/N.A./358-234)

Motion – carried Knight moved that the Statement of Cost be received and filed. Motion carried 7 to 0.

BOARDS MINUTES MINUTES OF ADVISORY BOARDS/COMMISSIONS:

District Advisory Board VI, March 4, 2002
District Advisory Board VI, April 1, 2002

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Board Of Electric Appeals, April 16, 2002
Design Council-City Arts, April 18, 2002
District Advisory Board III, May 1, 2002
Housing Advisory Board, February 19, 2002
Board of Electric Appeals, March 12, 2002
Regular Board Meeting Minutes, March 20, 2002
Alternative Correctional Housing Advisory Board, March 5, 2002
Police & Fire Retirement System Meeting, March 27, 2002
Board Of Appeals Of Refrigeration, Air-Conditioning, March 28, 2002
Board Of Code Standards And Appeals, April 1, 2002
Board Of Appeals Of Plumbers And Gas Fitters, April 3, 2002
District Advisory Board III, April 3, 2002
Deferred Compensation Board Of Trustees Meeting, April 4, 2002
Board Of Park Commissioners, April 8, 2002
Wichita Public Library Meeting, April 16, 2002
District Advisory Board III, April 17, 2002
Wichita Airport Advisory Board, March 4, 2002
Alternative Correctional Housing Board, March 25, 2002
Housing Advisory Board, April 16, 2002

Motion – carried Knight moved that the Minutes be received and filed. Motion carried 7 to 0.

STREET CLOSURE **CONSIDERATION OF STREET CLOSURES/USES.**

There were no street closures submitted.

PARKING **CONTRACT EXTENSION FOR PARKING MANAGEMENT.** (District VI)

Agenda Report No. 02-1437

On October 1, 1996, the City of Wichita and AMPCO System Parking (AMPCO) entered into a contract for management of the City Hall Parking complex, the State Office Building Parking Garage and various City-owned surface lots. All allowable extensions have been exercised on the contract. Under the contract, AMPCO manages 10 surface lots and three garages totaling approximately 2,500 spaces.

A request for proposal for parking management has been prepared and distributed to parking management companies nationwide. Proposals have been received and are being reviewed. An extension until September 30, 2002 is requested to allow time to evaluate the proposals and negotiate a new contract.

The monthly fee will not change from the current contract amount. Current operating budgets have sufficient funds budgeted for the management costs.

Motion -- Knight moved that the Contract extension be approved and the necessary signatures be authorized.
-- carried Motion carried 7 to 0.

CONSTRUCTION **FIRE STATIONS AND SOUTH REGIONAL LIBRARY CONSTRUCTION.**

Agenda Report No. 02-1438

On July 17, 2001, the City Council approved a Contract with Gossen Livingston Associates, Inc. to provide design services for the South Regional Library and Fire Stations project.

On March 5, 2002, the City Council approved the bids of Key Construction, Caro Construction, and Sauerwein Construction to construct the South Regional Library and Fire Stations.

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The architectural Contract with Gossen Livingston Associates, Inc. will be amended to provide additional Construction Observation Services. The additional services will be to observe the masonry construction, and particularly the grouting and reinforcing operations for the structural masonry at the Fire Stations and Regional Library. These inspections are required per UBC Code, Chapter 17.

The Contract Amendment for \$25,000.00 will be funded from the project budget (Project No. 435271, OCA No. 792309). The project balance is \$1,267,618.56.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved; and the necessary signatures be authorized.
Motion carried 7 to 0.

HISTORIC PRES.

HISTORIC PRESERVATION FUND GRANT 2002-17546-005.

Agenda Report No. 02-1439

The Preservation Planner submits grant proposals annually to the Kansas State Historical Society for allocation of federal Historic Preservation Fund grants. These proposals are for projects that the Historic Preservation Board has adopted as part of their annual work program. City Council action is needed to authorize the City Manager to execute the grant agreement.

The HPF grant is for \$52,520. The City is required to provide \$2 for every \$3 of federal grant funds. City match is generated from staff time only. There is no actual cash match.

The grant is to provide funding for three projects:

- 1) Design Review Assistant Internship provides funding a qualified student for 30 hours a week for 52 weeks. The federal grant for the internship is \$15,520.
- 2) Historic Park System Survey project will provide funding to pay a consultant to write an historic context statement about the development of the Wichita park system and inventory approximately 31 parks in our system that were dedicated prior to 1951. The federal grant for the park survey is \$10,000.
- 3) Historic District National Register nomination project will provide funding to hire a consultant to write nominations for four locally designated historic districts – Bitting Historic District, Park Place/Fairview Historic District, Topeka/Emporia Historic District and the East Douglas Commercial Historic District. The federal grant for National Register Historic District nominations is \$27,000. Historic Midtown Citizens Association requested that these nominations be drafted for the residential districts. Based on the new 25% state income tax credit program which is only available for state/national register listed properties, the Historic Preservation Board supported the residential districts nominations and requested that the East Douglas Commercial District be added. Because of limited staff hours available for this project and because the level of research for a National Register Historic District is more intensive than what is required for surveys or local historic district listings, the grant is being used to pay a consultant to provide the necessary research, photo documentation, and preparation of the grant. The staff time allocated to this project is providing the match required for the grant.

There are no additional design review requirements for the property owners within the districts, unless they would chose to participate in the tax credit program. A 500 ft. environs review will be in effect if the districts become state/national register districts. Typically, environs reviews conducted in the residential areas involve re-roofing, placement of storage sheds, and garage reconstruction and most of these are done by staff approval and does not delay project completion. Once the National Register Nominations are completed additional meetings will be conducted by staff with neighborhood groups.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved; and the necessary signatures be authorized.
Motion carried 7 to 0.

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ADOPT-A-PARK

ADOPT-A-PARK AGREEMENT.

Agenda Report No. 02-1441

In an effort to build partnerships with citizens and leverage tax dollars, many communities have developed "Adopt-A-Park" agreements whereby local governments team with neighborhoods and other community groups to maintain public parks and green space. Such agreements promote community pride and ownership of park resources while helping limit the need for the community to allocate increasingly larger tax dollars for maintenance of these resources.

The Department of Park and Recreation has developed an Adopt-A-Park agreement/contract for use with neighborhoods and other community groups. The agreement generally calls for the neighborhood or community group to provide landscape maintenance, including maintenance of turf, shrubs, and trees, as well as litter pickup. The agreement is for a designated period of time (generally one to several years) agreed upon between the Department of Park and Recreation and the adopting group. The agreement may be custom-tailored to meet the needs of the group and the City.

On December 11, 2001, the City Council reviewed a draft of the agreement and deferred it to District Advisory Boards for review and comment. District Advisory Board and neighborhood group input has been gathered and incorporated into a revised version of the original agreement for approval by the City Council.

There are no financial considerations.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

WATER SERVICE

INTERLOCAL AGREEMENT FOR WATER SERVICE – CITIES OF WICHITA AND ANDOVER.

Agenda Report No. 02-1442

The City of Wichita supplies water to a large number of citizens in the City of Andover. Andover's population continues to increase, along with their demand for water. The current City of Wichita rates include outside-the-city rates that are 55% higher than the inside-the-city rates. Andover customers pay outside-the-city rates.

The Cities of Wichita and Andover propose to cooperate in the construction of water system improvements for the benefit of both parties. The improvements will provide more revenue for the City of Wichita and allow for growth and a quality water supply for the City of Andover. The project consists of approximately 1800 linear feet of 20-inch water main in 159th St. E., southward from Kellogg. All engineering, contract document preparation, project letting, construction administration, and inspection will be done by the City of Wichita.

The costs for approximately 1800 linear feet of an equivalent 8-inch water main and appurtenances along 159th St. E. and southward from Kellogg shall be the responsibility of the adjacent land developer. The City of Andover will be responsible for the differential cost between the equivalent 8-inch water main and appurtenances and an equivalent 12-inch water main and appurtenances. The City of Wichita shall be responsible for the differential cost between the equivalent 12-inch water main and appurtenances and the actual 20-inch water main and appurtenances.

Total project cost is \$238,000. The City's share will amount to \$120,000. By doing the project now, rather than in 2008 as recommended in the Water Master Plan, there will be substantial savings. Project costs in 2008 were estimated at \$260,000 versus the present cost of \$238,000 (\$22,000) and Andover will pay \$118,000 of the project for a total savings of \$140,000. Unidentified Mains (CIP W -65) has adequate funding.

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Motion --
-- carried

Knight moved that the Agreement/Contract be approved; and the necessary signatures be authorized.
Motion carried 7 to 0.

HOUSING

AMENDMENT OF HOMEOWNERSHIP TRAINING AMENDMENT.

Agenda Report No. 02-1443

December 15, 1998, the City Council approved a joint proposal from Mennonite Housing Rehabilitation Services, Inc. and Community Housing Services of Wichita/Sedgwick County for the provision of homeownership training classes required for participation in the City's HOMEownership 80 program. The agencies receive compensation for their services upon completion of training and acquisition of a home by a HOMEownership 80 program client. Although the agreement remains in force, the funding originally provided has run out.

The homeownership training classes benefit HOMEownership 80 clients by familiarizing them with all of the aspects involved in the purchase of a home, including shopping for a home, mortgage financing, and the closing transaction.

The availability of homeownership training through both agencies has resulted in an increase in the number of classes available each month, thereby providing HOMEownership 80 clients with increased scheduling flexibility, and the added convenience of a choice of locations.

During the 2000-2001 Consolidated Plan funding process, the City Council approved \$500,000 for the HOMEownership 80 program, from the City's annual HOME grant. This amount included \$15,000 of additional funding for the homeownership training services provided by Community Housing Services and Mennonite Housing. The provision of the homeownership training classes was also approved in the City's Consolidated Plan as a component of the HOMEownership 80 program. The agencies are desirous of continuing to provide the services, thus, Housing Services is requesting amendment of the current funding agreement in order to add an additional \$15,000 of funding.

Under the amendment to the funding agreement, each agency would receive payment of \$300.00 for each trainee that successfully completes the training class and closes the purchase of a home through the City's HOMEownership 80 program.

The amendment to the funding agreement will be approved as to form by the City Law Department.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved; and the necessary signatures be authorized.
Motion carried 7 to 0.

BLDG ENCROACH.

AGREEMENT TO PERMIT BUILDING ENCROACHMENTS – BIG BROTHERS/BIG SISTERS BUILDING. (District VI)

Agenda Report No. 02-1444

Big Brothers Big Sisters of Kansas have contracted to purchase a building located on the northeast corner of Broadway and Second Street to use as their headquarters. In connection with the title and survey work done in preparation for that transaction, the owner and purchaser discovered that there are several minor encroachments of the buildings and signs on the site into adjacent right-of-way. Most extend only inches into the adjacent right-of-way (sidewalk).

In order for the purchaser to obtain title insurance and financing for the relocation of its facilities, these encroachments must be addressed. The Agreement recognizes the several encroachments and permits the purchaser to retain the buildings and signs without the need to modify them to remove the encroachments. For so long as the buildings and signs remain standing, the City agrees that it will take no action to require removal of the encroachments. None of these encroachments have any adverse affect on the public's ability to use the adjacent sidewalks and streets.

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There are no financial considerations.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved; and the necessary signatures be authorized.
Motion carried 7 to 0.

(Addendum 13h)
EMCU

EXPLOITED AND MISSING CHILD UNIT AGREEMENT.

Agenda Report No. 02-1465

The City of Wichita, Sedgwick County, the Wichita Police Department, the Sedgwick County Sheriff's Office and State Department of Social and Rehabilitation Services (SRS) have jointly operated an Exploited and Missing Child Unit (EMCU) since the mid 1980's. The mission of the unit is to investigate cases of missing and/or abused children, to identify offenders and to collect evidence for the prosecution of violators, all with the least amount of trauma to the child victims. SRS provides nine social workers, one office assistant and two program support workers; the Wichita Police Department provides eleven officers; and the Sheriff's Office provides two officers and two clerical staff. The Wichita Police Department, Sheriff's Office and SRS each fund the wages of their respective positions; operating expenditures are financed one-third by each entity. The EMCU operation is based on a Memorandum of Understanding signed by the five participating parties.

The EMCU has proposed re-structuring and expanding operations. Two Wichita Police detectives that currently investigate computer crimes would be transferred to the EMCU offices in the State Office Building. This move would not affect the function of these detectives, but would improve coordination regarding child exploitation cases. A revised EMCU agreement has been prepared to effect this personnel relocation.

The Kansas Bureau of Investigation (KBI) has agreed to provide one agent to assist EMCU staff with caseloads, including those in the surrounding areas. An agreement between the KBI and the five EMCU partners has been prepared to facilitate this addition.

Finally, the U.S. Department of Justice, Office of Juvenile Justice Programs is anticipated to award Sedgwick County a grant for two additional detectives to be assigned to EMCU. One of these positions will be a Sheriff's Office detective; one a Wichita Police Department detective. The City of Wichita will contract with the County to provide the additional detective.

The proposed agreements will not impact the 2002 Adopted budget. The additional detective will be completely funded through the County with federal funds, currently for a period of one year. Additional federal grants to maintain the position are anticipated; however, there is no maintenance of effort stipulations, according to the Department of Justice grant case manager. This additional City position can be absorbed within the Police Department through attrition if the federal grant dollars terminate.

Motion --
--carried

Knight moved that the Memorandums of Understanding be approved and the necessary signatures be
Motion carried 7 to 0.

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LEAD BASED PAINT GRANT APPLICATION – LEAD-BASED PAINT HAZARD CONTROL GRANT PROGRAM.

Agenda Report No. 02-1445

The Department of Housing and Urban Development (HUD) has issued a Notice of Funding Availability (NOFA) for the Lead-Based Paint Hazard Control Grant Program. This NOFA make funds available for local jurisdictions to develop programs to increase education on the hazards of lead-base paint in homes, certify contractors to conduct lead-hazard reduction activities, provide for the testing for lead in structures, testing of lead in children's blood, lead-hazard reduction rehabilitation activities and registry of homes assisted. The NOFA is issued annually and approximately 7 new applicants are awarded nationally.

The project in Wichita involves collaborative activities with the Housing Services Department, Department of Environmental Health, Sedgwick County Health, and various non-profit housing agencies. The grant is for three years and requires a full-time coordinator. The application also includes the addition of one Rehabilitation Specialist and one Environmental Quality Specialist. Eligibility of assistance to conduct rehabilitation will be restricted to residential units within the Redevelopment Incentives Area and remaining Local Investment Areas.

Homes that house children that test with high lead-blood contamination will be assisted citywide. The total three-year budget is \$2,978,184; \$2,431,895 is requested from HUD; and \$546,289 is local match. This match will be provided by participating agencies with the majority provided, as CDBG match from housing rehabilitation projects that will be completed by Housing Services Department that will occur during the three-years within existing programs. A minimum of 250 additional homes will be assisted and over 300 workers will be trained to use lead-safe practices.

The application has been developed in collaboration with the Kansas Department of Health & Environment; Environmental Health Department and various local non-profits. The activities and progress will be developed and monitored by a committee of the participating agencies. The funding provides grants to reduce the risks of health problems for children in units constructed prior to 1978 which test positively for the presence of lead-base paint by completing lead hazard reduction construction activities.

The maximum award that a local jurisdiction can apply for is \$2.5 million. The proposed application is for \$2,431,895. The grant funding is for a three-year period. Eighty percent (80%) of the applications funded are for continuation of previously funded projects.

All matching funds required by the projects included in this grant would be provided by the participating agencies with the majority of the \$546,289 of the match provided through CDBG activities provided by the Department that also count as match but would otherwise be performed if the grant was not approved.

Motion --
-- carried

Knight moved that submission of the application and receipt of funds be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

GRANT REQUEST MARKETING STUDY GRANT REQUEST.

Agenda Report No. 02-1464

The City of Wichita established a Market Study Grant Program in 2001 to provide up to 50% match on market studies for potential projects in the Redevelopment Incentives Area and remaining Local Investment Areas. Fifty thousand dollars (\$50,000) has been allocated for the program per year. The intent of the program is to reduce the financial impact of required market studies for developers. CORE has submitted a request to complete a study in Phase I of their project area that is Central on the South, Topeka on the West, Murdock on the North and railroad tracks on the East. The market study will provide CORE with necessary information relative to the demand for housing units and supportive retail and commercial uses. CORE has submitted a proposal for \$14,750 from Richard Caplan &

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Associates to complete the study. The request for funding has been reviewed and recommended for funding by the Housing Advisory Board and the Development Coordinating Committee.

The application meets the criteria for the Market Study Grant Program. The maximum approvable amount of assistance for the request is \$7,375.00.

Agreements will be reviewed and approved as to form by the Law Department.

Maximum allowable assistance for this request is \$7,375.00.

Motion --
-- carried

Knight moved that the request for Market Study Grant funds be approved and the necessary signatures be authorized. Motion carried 7 to 0.

SEWER METERS

AUTOMATION OF SEWER METERS.

Agenda Report No. 02-1447

December 11, 2001, City Council approved \$100,000 in expenditures to automate the sewer meters and incorporate the billing process into Banner. These are special sewer billings and produced revenue of approximately \$3 Million in 2001.

Analysis: Plumbing work was required on the consumer side of the service line in order to install meters and equipment. To ensure method and uniformity of the meters, Staff had Waldinger Plumbing (currently under contract with the City) perform the work. Cost for the required work is approximately \$40,000. Expenditures for the automation project are:

- --\$66,898 for transducers
- --\$6,650 (approximate) for installation of transducers
- --\$3,990 (approximate) for calibration of transducers
- --\$9,392 for ERT units and meters for automated reading
- --\$2,100 for Read One Programmer
- --\$40,000 to Waldinger Plumbing

Sewer Meter Installation (CIP S-541) has a budget of \$100,000. After the above-listed expenditures, the budget needs to be increased by \$30,000 in order to complete the project. Biosolids Treatment and Management Plan (CIP S-500) has adequate funding available. Staff is requesting the transfer of \$30,000 from CIP S-500 to CIP S-541.

Motion --
-- carried

Knight moved that the expenditures be authorized and the transfer of funds be approved. Motion carried 7 to 0.

SEWER FLOW

SEWER FLOW MONITORING.

Agenda Report No. 02-1448

On January 25, 2000, the City Council approved a Supplemental Agreement with George Butler and Associates, Inc., (GBA) for \$900,000. This was to pay for the verification of 3,600 manholes, perform surface inspections of 3,600 manholes, smoke test 550,000 linear feet of sewer line, monitor and model a portion of the sewer collection system, and perform wet weather checks to find leaking manholes and sources of inflow and infiltration (I&I). Based on testing and verification, recommendations would be made for sanitary sewer rehabilitation, including the raising of manholes.

Staff requested GBA to flow monitor three manholes in the Sterling Farms area, located north of 21st Street North and west of Tyler Rd. This was completed as part of the existing Contract as a special project. Meter cost was not to exceed \$4,000 per month, and labor and analysis were to be a completed at no extra cost.

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Rental for meters from January 1, 2000, through November 30, 2000, amounted to \$16,893. It is requested that PO#000225 be increased by this amount to cover the rental cost. The project is paid from Selective System Survey & Analysis (CIP S-300) that is funded by revenue bond proceeds and/or Sewer Utility Cash Reserves.

Motion -- carried

Knight moved that the expenditure and Purchase Order increase be approved. Motion carried 7 to 0.

FOUR MILE CREEK

FOUR-MILE CREEK SEWAGE TREATMENT PLANT.

Agenda Report No. 02-1449

The Water & Sewer Department has a Contract with Professional Engineering Consultants (PEC) to design upgraded facilities at the Four Mile Creek Sewage Treatment Plant with construction to begin this summer. To facilitate screenings removal during this period, Staff recommends the pre-purchase of these units. They are identical to those currently being installed at the Cowskin Creek Water Quality Reclamation Facility and will be supplied at the same cost for Four Mile Creek.

To maintain effective operations during the construction period, it is important that the units be installed by the contractor early in the construction period. Utilizing the same equipment as the Cowskin Creek Facility will minimize the number of spare parts required and increase maintenance efficiency. The equipment will be purchased by the City and assigned to the contractor for installation and administration of the warranty. Based on the recommendation of the engineer, Staff recommends the purchase of two (2) units. Hycor Helisieve units are manufactured by Parkson Corporation and the sole source of supply is Fluid Equipment Company.

Cost for two units is \$109,312. Funds are available in Four Mile Creek Collection System Improvement (CIP S-538) for the purchase of the equipment.

Purchasing Ordinance No. 35-856, Section 2 (b) provides for the purchase of equipment and supplies from sole sources of supply without advertising for bids. The purchase will be made from Fluid Equipment Company.

Motion --
-- carried

Knight moved that the purchase be approved and the Purchasing Manager be authorized to proceed. Motion carried 7 to 0.

WATER MAIN

INSTALLATION OF WATER MAIN IN GOLD STREET, MACARTHUR TO 35TH STREET SOUTH. (District IV)

Agenda Report No. 02-1450

The City of Wichita provides treated drinking water to 368,000 people. Service population is projected to increase to over 450,000 by 2010. To ensure that future water needs of the service area are met, the Water and Sewer Department initiated a study of the water system. The Water System Master Plan was completed in November 1999, with a number of significant system improvements being recommended to ensure adequate service levels now and in the future.

Wichita is expanding in the area to be served by this water transmission main. This main, along with another main to be constructed in 2003, will close the gap between the 20-inch line in McLean at 35th St. S. and the 16-inch line in MacArthur. This project was scheduled for 2003, but is needed now to serve a new elementary school that will be built in this area and is scheduled to open the fall of 2003.

Capital Improvement Program (CIP W-845) is included in the 2003 approved CIP for \$210,000. Accelerating the project to 2002 will have no financial impact. The project will be funded from Water Utility revenues and reserves, and/or a future revenue bond issue.

Motion -- carried

Knight moved that expenditure be approved and the Resolution be adopted. Motion carried 7 to 0.

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RESOLUTION NO. 02-262

A Resolution of the City of Wichita, Kansas, declaring it necessary to construct, reconstruct, alter, repair, improve, extend and enlarge the water and sewer utility owned and operate by the City, and to issue Revenue Bonds in a total principal amount which shall not exceed \$210,000, exclusive of the cost of interest on borrowed money, for the purpose of paying certain costs thereof, and providing for the giving of notice of such intention in the manner required by law, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

CESSNA CITATION BONDING RESOLUTION – CESSNA CITATION SERVICE CENTER.

Agenda Report No. 02-1451

On December 18, 2001, the City Council and the Wichita Airport Authority approved an incentive package for the development of a new Cessna Citation Service Center at Wichita Mid-Continent Airport. The incentives include the issuance of Airport Special Facilities Revenue Bonds to finance Cessna's construction costs, improvements to Hoover Road, construction of a new taxiway and public funding of half the site improvement costs up to \$8.7 million. In order to finance its share of the site improvement costs with general obligation bonds, the City Council must adopt a resolution establishing that intent.

Cessna has begun construction of the 450,000 square foot service center on 150 acres of airport land located on Hoover Road north of K-42 highway at a cost of approximately \$60 million. The project will result in the addition of 800 new jobs by Cessna and will provide a significant tourism boost due to the large number of Cessna Citation owners and their flight crews who will make extended visits to Wichita by virtue of the service center's location here.

The City will fund one-half of the cost of site work needed to prepare the site for construction and to provide access roads, paving, parking and landscaping, fencing, utilities extensions, and related improvements, up to a total City cost of \$8.7 million. Before any City funds may be disbursed to reimburse Cessna for site improvement costs, City fiscal procedures and federal tax law require that a resolution authorizing the issuance of City bonds be adopted.

The City's share of the incentive package will be financed by a combination of airport funding, primarily for site improvement costs and matching funds for taxiway improvements, and funding provided in the adopted CIP, primarily for Hoover Road expansion and part of site costs.

Motion --
-- carried

Knight moved that the Bonding Resolution in an amount not to exceed \$8.7 million be adopted. Motion carried 7 to 0.

RESOLUTION NO. 02-263

A Resolution authorizing the issuance of General Obligation Bonds of the City of Wichita, Kansas to pay a portion of the costs of constructing site improvements at the Wichita Mid-Continent Airport in connection with the development of a Cessna Citation Service Center, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

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ORDINANCES

SECOND READING ORDINANCES: (FIRST READ MAY 21, 2002)

- a) DR2001-08 - Board of Zoning Appeals.

ORDINANCE NO. 45-325

An Ordinance amending Sections 2.12.580 and 2.12.590 of the Code of the City of Wichita, Kansas, pertaining to the procedure and jurisdiction for the Board of Zoning Appeals, and repealing the originals of said Sections, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

- b) Hillside improvement, between 17th and 21st Streets. (District I)

ORDINANCE NO. 45-326

An Ordinance declaring Hillside, from 17th Street North to 21st Street North, 472-83537, to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

- c) Property acquisition – 1251 North Broadway. (District IV)

ORDINANCE NO. 45-327

An Ordinance providing for the acquisition by eminent domain of certain private property in connection with the Redevelopment of a portion of the Mid-Town Area in the City of Wichita, Sedgwick County, Kansas; designating the lands required for such purposes and directing the City Attorney to file a petition in the District Court of Sedgwick County, Kansas, for acquisition of the lands and providing for payment of the cost thereof, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight. (1251 North Broadway)

- d) ZON2001-19 - northwest corner of 37th Street North and Ridge Road. (District V)

ORDINANCE NO. 45-328

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, as amended, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight. ZON2001-19

- e) ZON2000-38 - north Side of Maple, between I-235 and West Street. (District IV)

ORDINANCE NO. 45-329

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, as amended. ZON2002-38

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- f) ZON2001-56 - southeast corner of 29th Street North and Tyler. (District V)

ORDINANCE NO. 45-330

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, as amended, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight. ZON2001-56

- g) A02-04 - between 21st and 37th Streets North, West of Hoover Road.

ORDINANCE NO. 45-331

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto. A02-04

- h) 02-10 - generally located North of 47th Street South and East and West of Hoover Road. (Districts IV and V)

ORDINANCE NO. 45-332

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight. A02-10

FIRST READING ORDINANCES:

Motion -- carried

Knight moved that the following Ordinances be placed on first reading. Motion carried 7 to 0.

- a) Weed mowing.

An Ordinance making a special assessment to pay for the cost of cutting weeds in the City of Wichita, Kansas, introduced and under the rules laid over.

- b) Building condemnations.

An Ordinance making a special assessment to pay for the removal of certain structures, being dangerous and unsafe building which have been declared a nuisance under the provision of Section 18.16.010 to 18.16.090 of the Code of the City of Wichita, Kansas, introduced and under the rules laid over.

- c) Health nuisance (lot clean-up).

An Ordinance making a special assessment to pay for the cost of abating certain public health nuisances (lot clean-up) under the provisions of Section 7.04.050 of the Code of the City of Wichita, Kansas. Be it ordained by the governing body of the City of Wichita, Kansas, introduced and under the rules laid over.

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PLANNING AGENDA

Motion -- carried

Knight moved that the Planning Agenda be approved as consensus Items. Motion carried 7 to 0.

SUB2002-09

SUB2002-09 – PLAT OF WJR ADDITION – NORTHWEST CORNER OF MACARTHUR ROAD AND WEBB ROAD.

Agenda Report No. 02-1452

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (12-0)

This site is located in the County within three miles of the City of Wichita. The plat is zoned LC, Limited Commercial, and SF-20, Single-Family Residential. The site has been approved by the County Code Enforcement for the use of on-site sanitary sewer facilities.

Petitions, all 100%, have been submitted for future sewer and water improvements. A Certificate of Petitions has also been submitted. A restrictive covenant has been provided that limits the site to residential uses as long as on-site sewerage facilities are in use.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The Certificates of Petition and restrictive covenant will be recorded with the Register of Deeds.

Motion --
-- carried

Knight moved that the documents and Plat be approved; the Resolutions be adopted; and the necessary signatures be authorized. Motion carried 7 to 0.

RESOLUTION NO. 02-264

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89687 (north of MacArthur, west of Webb), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 02-265

Resolution of findings of advisability and Resolution authorizing construction of Lateral 156, War Industries Sewer (north of MacArthur, west of Webb), 468-83442, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

SUB2002-12

SUB2002-12 – PLAT OF GREAT PLAINS BUSINESS PARK THIRD ADDITION – EAST OF OLIVER, NORTH OF K-96 EXPRESSWAY. (District I)

Agenda Report No. 02-1453

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (8-0)

This replat is zoned LI, Limited Industrial.

Petitions, all 100%, have been submitted for sewer, water, and paving improvements. A Certificate of Petitions has also been submitted.

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This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The Certificate of Petitions will be recorded with the Register of Deeds.

Motion --
-- carried

Knight moved that the Plat be approved; the Resolutions be adopted; and the necessary signatures be authorized. Motion carried 7 to 0.

RESOLUTION NO. 02-266

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89692 (east of Oliver, North of K-96, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 02-267

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89693 (east of Oliver, North of K-96), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 02-268

Resolution of findings of advisability and Resolution authorizing construction of Lateral 105, Sanitary Sewer #23 (east of Oliver, North of K-96), 468-83433, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 02-269

Resolution of findings of advisability and Resolution authorizing construction of Lateral 106, Sanitary Sewer #23, (east of Oliver, North of K-96), 468-83434, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 02-270

Resolution of findings of advisability and Resolution authorizing pavement on Great Plains, 34th Street North and Ridgewood from the north line of 35th Street, north adjacent to part of Lot 1 and adjacent to Lots 2 through 6, Block 2, to the north line of 36th Street North. Street Construction to include required storm sewers and drainage for 472-83550 (east of Oliver, North of K-96), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 02-271

Resolution of findings of advisability and Resolution authorizing pavement on Ridgewood Court from the east line of Ridgewood to and including the cul-de-sac. Street construction to include required storm sewer and drainage improvements, 472-83551, (east of Oliver, North of K-96) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

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SUB2002-15

**SUB2002-15 – PLAT OF CHADSWORTH PLAZA ADDITION – NORTH OF 21ST STREET
NORTH, EAST SIDE OF MAIZE ROAD.** (District V)

Agenda Report No. 02-1454

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (12-0)

A zone change (ZON 2001-47) from SF-5, Single-Family Residential to NR, Neighborhood Retail (Lot 1) and to GO, General Office (Lot 2) has been approved by the Sedgwick County Commission for this site subject to platting. A zone change (ZON 2001-62) from SF-5, Single-Family Residential to NO, Neighborhood Office (Lots 3 and 4) has also been approved by the Sedgwick County Commission for this site subject to platting. Both zone changes were approved subject to a Protective Overlay addressing a screening wall.

Petitions, all 100%, have been submitted for sewer, water, drainage and paving improvements. A Certificate of Petitions has also been submitted. In order to provide for the ownership and maintenance of the reserves, the applicant has submitted a restrictive covenant. An off-site drainage easement was required in accordance with the drainage plan. A Protective Overlay Certificate was provided identifying the approved Protective Overlay.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days. Publication of the ordinance should be withheld until such time as the Plat is recorded with the Register of Deeds.

The Certificate of Petitions, restrictive covenants, off-site drainage easement and Protective Overlay Certificate will be recorded with the Register of Deeds.

Motion --

Knight moved that the documents and plat be approved; the necessary signatures be authorized; the Resolutions be adopted; and the ZON2001-47 Ordinance be placed on first reading with publication being withheld until such time as the Plat is recorded with the Register of Deeds. Motion carried 7 to 0.

-- carried

RESOLUTION NO. 02-272

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89691 (north of 21st Street, east of Maize) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 02-273

Resolution of findings of advisability and Resolution authorizing construction of Main 2, Part A, Northwest Interceptor Sewer (north of 21st Street, east of Maize) 468-83446, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 02-274

Resolution of findings of advisability and Resolution authorizing construction of Lateral 3, Main 2, Northwest Interceptor Sewer (north of 21st Street, east of Maize) 468-83447, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

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RESOLUTION NO. 02-275

Resolution of findings of advisability and Resolution authorizing improving of Maize Court and construct sidewalk in Chadsworth Plaza, 472-83538 (north of 21st Street, east of Maize) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, as amended, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight. ZON2001-47

DED2002-15

DED2002-15 – DEDICATION OF STREET RIGHT-OF-WAY – NORTH OF SECOND STREET NORTH, EAST OF WEST STREET. (District IV)

Agenda Report No. 02-1455

MAPC Recommendation: Accept the Dedication.

This Dedication is a requirement of Conditional Use Case No. 2002-05, and is being dedicated for additional street right-of-way along West Street.

The Dedication has been reviewed and approved by the Planning Commission.

Motion -- carried

Knight moved that the Dedication be accepted. Motion carried 7 to 0.

DED2002-16

DED2002-16 – DEDICATION OF ACCESS CONTROL – NORTH OF SECOND STREET NORTH, EAST OF WEST STREET. (District IV)

Agenda Report 02-1456

MAPC Recommendation: Accept the dedication.

As a requirement of Conditional Use Case No. CON 2002-05, this dedication is being made for access control, except for two openings, along West Street.

The dedication has been reviewed and approved by the Planning Commission.

The dedication will be recorded with the Register of Deeds.

Motion -- carried

Knight moved that the Dedication be accepted. Motion carried 7 to 0.

VAC2002-00004

VAC2002-00004 – VACATE PLATTED ACCESS CONTROL – NORTHEAST OF 37TH STREET NORTH/WOODLAWN BOULEVARD INTERSECTION. (District I)

Agenda Report No. 02-1457

Staff Recommendation: Approve.

MAPC Recommendation: Approve (unanimous).

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The applicant proposes relocation of the current permitted joint access opening by 50 feet to the east to conform to a boundary shift between Lots 5 & 6, Brush Creek 3rd Addition. An Administrative Adjustment to reflect the change in CUP DP-128, in reference to the relocated joint access and the boundary shift, was approved April 22, 2002.

No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order. No written protests have been filed.

A certified copy of the Vacation Order will be recorded with the Register of Deeds.

Motion --

Knight moved that the Vacation Order, with the conditions that certified copies of the Dedication of Abutter's Access Rights and Grant of Joint Access Easement will be recorded with the Register of Deeds; the Boundary Shift will be recorded with the Sedgwick County Clerk; and the necessary signatures be authorized. Motion carried 7 to 0.

-- carried

VAC2002-00010

VAC2002-00010 – VACATE PORTION OF 20-FOOT UTILITY EASEMENT – NORTHEAST OF PAWNEE/MAIZE ROAD INTERSECTION. (District V)

Agenda Report No. 02-1458

Staff Recommendation: Approve.

MAPC Recommendation: Approve (unanimous).

The applicant proposes to build a swimming pool. The proposed pool will encroach 5 feet into the platted 20-foot easement, which runs along the rear of the lot. There is a manhole in the west portion of the easement, which causes the length of vacation to end 20 feet short of the northwest lot corner.

No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order. No written protests have been filed.

A certified copy of the Vacation Order will be recorded with the Register of Deeds.

Motion --

Knight moved that the Vacation Order be approved and the necessary signatures be authorized. Motion carried 7 to 0.

-- carried

ZON2002-00021

ZON2002-00021 – ADDITION TO OLD TOWN OVERLAY DISTRICT ON PROPERTY ZONED LIMITED INDUSTRIAL. (District VI)

Agenda Report No. 02-1459

MAPC Recommendation: Approve, subject to staff recommendations. (12-0)

Staff Recommendation: Approve, subject to conditions.

D.A.B Recommendation: Recommended approved (9-0).

The applicant is requesting addition of approximately one acre to the "OT-O/NE" Old Town Overlay District, on property zoned "LI" Limited Industrial. The property is located on the southeast corner of Rock Island and 3rd Street North. Currently, the site is occupied by a row of warehouse buildings, with an open storage yard on the northwest corner of the lot. However, the applicant anticipates increasing demand for retail/commercial uses because of the nearby Old Town Cinema project currently under development, and the proposed apartment building directly across the street from the subject tract.

The "OT-O" Old Town Overlay District has reduced parking requirements when compared to most other zoning districts, and has provisions which allow for the use of off-site shared public parking spaces by property owners in the Old Town Parking District by paying a monthly fee, in lieu of providing the parking directly. The Northeast End district, created by the recent amendment to the

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Unified Zoning Code (DR2002-00002) further reduces the parking requirements in the vicinity north of 2nd Street and east of Rock Island Avenue. It eliminates some of the requirements for shared or leased parking agreements and allows off-site parking on the east side of Washington.

However, inclusion within the "OT-O" zoning district does not automatically include the property within the Old Town Parking District. A separate ordinance will have to be prepared and approved to include the site in the Old Town Parking District. Until the property is included in the parking district, the applicant will need to provide parking as required by the appropriate sections of the code.

If this request is approved, the underlying zoning on the property would remain "LI" Limited Industrial, but the property would become subject to the design, signage and parking requirements of the "OT-O/NE" district. The "OT-O/NE" district also permits a wider range of uses, including residential uses that are not permitted by the existing "LI" zoning.

Surrounding properties are zoned "LI" and are predominantly developed with commercial, industrial and warehouse uses. However, the area is rapidly changing character, as the influence of the Old Town entertainment district expands northward from 2nd Street North. As previously mentioned, the Old Town Cinema project is under development. This project (ZON2002-00007) was designated as the "OT/TH" Theater subdistrict. The property immediately west of the application area was added to the "OT-O" district last year for reuse of a 4 ½ story building for 47 apartments (ZON2001-00045). Another island of "OT-O" island is located directly southeast of the application area (ZON2001-00043). This rezoning was to allow the warehouse to the southeast to be redeveloped with potential restaurant/night club/retail uses, but acknowledging the even greater shortage of potential parking areas in the vicinity. It spawned the amendments for the "OT-O/NE" subdistrict.

At the District VI Advisory meeting held May 6, 2002, the DAB voted to approve (9-0).

At the MAPC meeting held May 9, 2002, there was no additional discussion of the proposed change and MAPC voted (12-0) to recommend the requested change.

Motion --
-- carried

Knight moved that the zone change be approved and the Ordinance be placed on first reading.
Motion carried 7 to 0.

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AIRPORT AGENDA

Knight moved that the Airport Agenda be approved as consensus Items. Motion carried 7 to 0.

AIRPORT

SCHEDULE OF FEES AND CHARGES – MID-CONTINENT AIRPORT.

Agenda Report No. 02-1460

The Wichita Airport Authority (WAA) traditionally adopts a Schedule of Fees and Charges in December to establish certain rates for the ensuing year for aviation users of Mid-Continent Airport. The rates reflected in the schedule are set based on a combination of influences, including the methodology established in the airline/airport use agreement, market price and a premium for those entities that do not hold agreements with the WAA.

It is appropriate at this time to revise the Schedule of Fees and Charges to make the airport more accessible to non-signatory passenger air carriers that provide scheduled service. Historically, the most

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favorable rates are established for the signatory carriers with the non-signatory carriers receiving landing fees that are 50% higher, a retail fuel flowage fee and escalated terminal rentals. This treatment is common in the industry but does not take into account the benefits provided by a passenger carrier that provides scheduled service although they choose not to enter into an agreement with the WAA.

It is proposed that a new rate schedule be added for passenger air carriers operating on a non-signatory, scheduled basis that includes landing fees at a level 25% higher than the signatory rates and a fuel related fee that is the same rate as for all passenger air carriers. The adjustment of these rates has no effect on the net revenue to the WAA since, by contract, non-signatory fee collections serve to reduce the fees paid by signatory airlines. The schedules have been revised to reflect the consistent application of the 50% premium for non-scheduled activity and 25% for scheduled activity, where appropriate.

Rates have been developed in accordance with Federal rates and charges regulations.

Motion --
-- carried

Knight moved that the Schedule of Fees and Charges to be effective July 1, 2002, be adopted. Motion carried 7 to 0.

AIRPORT

AIRPORT IMPROVEMENT PROGRAM GRANT APPLICATION.

Agenda Report No. 02-1461

The airport has incurred costs related to the events of September 11, 2001 which are eligible for federal reimbursement. Congressional release of the funds was received on April 1, 2002 to fund the requested security enhancement projects for Wichita Mid-Continent Airport. The Federal Aviation Administration (FAA) has been authorized to issue a grant for the security costs the airport has incurred.

Staff has prepared a grant application for these funds to submit to the FAA.

The Airport is requesting that \$1,186,310 in FAA funds be directed to reimburse the expenses. There are no matching funds required.

Motion --
-- carried

Knight moved that the Grant Application and receipt of funds be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

AIRPORT

AIRFIELD PAVEMENT TAXIWAY "N" CONSTRUCTION – MID-CONTINENT.

Agenda Report No 02-1462

The Taxiway "N" project is included in the 2002 Capital Improvement Program. This project is shown in the Master Plan to be accomplished at this time. On January 7, 2002 Staff Screening and Selection Committee selected Professional Engineering Consultants for the design/bid services for Taxiway "N".

The existing pavement is in need of reconstruction and new pavement sections of the project will provide increased airfield capacity.

The total cost for design and bidding services is \$349,173. As part of the project the FAA requires that a Benefit Cost Analysis be performed. The cost of the analysis is included in the design fee. The total cost for the project is estimated to be \$9 million. The Airport requests a budget of \$350,00 be approved for the design phase. Ultimate funding for the projects will be from AIP Federal Grant funds and Passenger Facility Charges. Airport revenue will be used as interim funding for the design.

The design contract will be approved by the Law Department and the FAA.

Motion --
-- carried

Knight moved that the Project and Contract be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

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AIRPORT

SUPPLEMENTAL AGREEMENT – INTRUST BANK, NA.

Agenda Report No.02-1463

In 1997, proposals were solicited from area banks and credit unions to provide automatic teller services (ATM) in the terminal building at Wichita Mid-Continent Airport. Responses were received from three entities. The entity proposing the most favorable offer to the Airport Authority was INTRUST Bank. A one-year agreement was entered into and has been extended for four additional one-year terms, through June 30, 2002.

INTRUST, at its expense, provided and installed the ATM located in the terminal building, and is responsible for all maintenance associated with the operation of this machine. The ATM has proven to be of value to the people using Mid-Continent Airport, in addition to providing a revenue source to the WAA. It is anticipated that provision of ATM services for the public will be considered in the plans for future terminal building improvements. In the interim, it is recommended that the agreement with INTRUST be extended on a month-to-month basis, with a 30-day cancellation provision. Staff will draft Requests for Proposals at the appropriate time to solicit an automated teller machine provider.

Revenue to the WAA is a fixed fee of \$300 per month in addition to 50% of the surcharge income generated from users of the ATM. Surcharge revenue to the WAA in 2000 was \$16,972, plus \$3,600 for the fixed fee, yielding a total annual revenue of \$20,572.

Motion --
-- carried

Knight moved that the Agreement be approved and the necessary signatures be authorized. Motion carried 7 to 0.

EXECUTIVE SESSION

Motion --

-- carried

Knight moved that the City Council recess and move to executive session to consider consultation with legal counsel on matters privileged in the attorney-client relationship relating to pending and potential litigation and legal advice; and preliminary discussions relating to the acquisition of real property for public purposes; and that the Council return to regular session no earlier than 10:30 am. Motion carried 7 to 0.

RECESS

The City Council recessed at 9:50 a.m. and reconvened at 10:42.m.

Mayor Knight

Mayor Knight announced that no action was necessary as a result of the executive session.

ADJOURNMENT

The City Council meeting adjourned at 10:42 a.m.

Pat Burnett CMC
City Clerk